

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

JERMAINE DUANE IRVIN
Reg. #45966-177

PETITIONER

v. No. 2:18-cv-179-DPM

**DEWAYNE HENDRIX, Warden, FCI-
Forrest City Medium; GENE BEASLEY,
Former Warden, Federal Bureau of Prisons;
C.V. RIVERA, Former Warden, Federal Bureau
Of Prisons; S. ROBERTS, Inmate Records
Supervisor, Forrest City Correctional Complex -
Medium; DEE ANDERSON, Sheriff, Tarrant
County Texas; JOSHUA BURGESS, Assistant
U.S. Attorney, Department of Justice, Fort
Worth Division; SHAWN SMITH, Assistant
U.S. Attorney, Department of Justice, Fort
Worth Division; and JEFF SESSION, U.S.
Attorney General**

RESPONDENTS

ORDER

On *de novo* review, the Court adopts the recommendation, *No. 3*, and overrules Irvin's objection, *No. 4*. FED. R. CIV. P. 72(b)(3). Irvin's claim would fare no better as a *Bivens* claim. *E.g., Clay v. Missouri*, 2014 WL 260097 (E.D. Mo. 2014). His motion to amend, *No. 4*, is therefore denied. The petition will be dismissed without prejudice. Irvin's motion for leave to proceed *in forma pauperis*, *No. 1*, is denied as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

7 January 2019